

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on June 5, 2006, and the references cited therewith.

Status of the Claims

Claims 1-5, 7, 10-14, 17-21, and 24-27 stand rejected. Claims 6, 8, 9, 15, 16, 22, 23, and 28-30 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 1 is amended to provide clarification and claims 1-30 remain pending in this application.

§103 Rejection of the Claims

Claims 1-5, 7, 10-14, 17-21, and 24-27 were rejected under 35 USC § 103(a) as being unpatentable over U.S. 6,934,702 to Faybishenko ("Faybishenko") in view of U.S. 6,360,265 to Falck ("Falck"). Applicants respectfully traverse this rejection.

The Office Action indicates that the appeal proceedings requested by applicants have been withdrawn because new prior art (Faybishenko combined with Falck) "disclose most limitations of the claimed invention." For the reasons discussed below, applicants submit that the references Faybishenko and Falck are even less relevant than the references applied in the rejection that was appealed.

Independent claim 1 is drawn to a "method for setting up a distributed multipoint conference among three or more endpoints without requiring centralized control either for signaling or for mixing media streams" and has been amended to clarify that the participating endpoints are "participating in a conference with the requesting endpoint" (emphasis added). Independent claim 12 is drawn to a "method of facilitating a multipoint conference among three or more endpoints" and recites "receiving from a requesting endpoint information comprising an invitation to establish a connection with the requesting endpoint, the invitation identifying one or more other participating endpoints participating in a conference with the requesting endpoint" (emphasis added). Independent claims 21 and 25 similarly refer to "an invitation to establish a connection with the requesting endpoint and identifying one or more other endpoints

participating in a conference with the requesting endpoint” (emphasis added). As used herein, a “conference” involves a connection between at least three endpoints generally at the same time. The present application describes teleconferences and video-conferences as examples (see present specification, para. 0001).

Faybishenko discloses a method and system of routing messages in a distributed search network to provide search results from distributed information providers to consumers (see Abstract and FIG. 1). The system and method of Faybishenko is unrelated to conferencing. The consumers do not “conference” with other consumers, nor do they “conference” with the information providers. The Office Action refers to column 35, lines 35-58 of Faybishenko as disclosing the claimed limitations. The referenced section of Faybishenko, however, merely describes a distributed information discovery platform implemented in a peer-to-peer environment using a router. The distributed information discovery platform enables discovery of information from distributed information providers instead of using conventional search engines (see Faybishenko, col. 4, lines 32-39). Distributed information discovery is not the same as conferencing, and the referenced section of Faybishenko mentions nothing about setting up a conference or facilitating a conference. The referenced section of Faybishenko also refers to receiving requests from peers, but these requests do not involve an invitation identifying participating endpoints participating in a conference with a requesting endpoint.

Even if the method and system disclosed in Faybishenko could be characterized as setting up or facilitating a multipoint conference, the broad concept used in Faybishenko appears to be contrary to that used in the present invention. As recited in claim 1 and discussed in the Appeal Brief filed in the present application, a multipoint conference may be set up or facilitated “without requiring centralized control.” To set up the distributed search network or distributed information discovery platform, Faybishenko uses a hub, which appears to be a form of centralized control. For this additional reason, Faybishenko also appears to teach away from the claimed invention.

Falck does not remedy these deficiencies. Falck discloses an arrangement of delivering internet protocol datagrams for multimedia services. Although Falck refers to the ITU-T H.323 standard, Falck does not disclose the claimed limitations involving a multipoint conference. Moreover, there appears to be no motivation to apply the alleged teachings of Falck with the

system of Faybishenko. As rationale for the combination, the Office Action states “for the purpose of ‘...providing the network with a distributed information discovery platform that enables discovery of information from distributed information providers...’.” This merely quotes Faybishenko and fails to provide any motivation or suggestion for applying the Falck teachings of multimedia connections using the H.323 standard to the distributed search network of Faybishenko, which is unrelated to multimedia connections.

Because the asserted combination of Faybishenko and Falck fails to teach or suggest all of the claimed limitations recited in independent claims 1, 12, 21, and 25, applicants submit that the Office Action fails to establish *prima facie* obviousness with respect to these claims and the claims dependent therefrom. Accordingly, applicants request that the rejection under 35 U.S.C. 103 be withdrawn.

Applicants further submit that the Office Action fails to establish any motivation or suggestion with respect many of the other asserted teachings relied on in Falck. After discussing the rejection of claim 1, the Office Action, in rejecting the subsequent claims, refers to “the combination of Fabybishenko-Falck” and merely indicates column and line numbers where Falck allegedly teaches the claimed limitations. The Office Action never provides any motivation or suggestion as to why one of ordinary skill in the art would apply the alleged teachings in Falck to the system in Fabybishenko. In rejecting dependent claim 5, for example, the Office Action merely states “see *Falck*, column 5, lines 1-10” without providing any explanation as to why one of ordinary skill in the art would be motivated to apply the alleged teaching of “sending an H.232 setup request message” to the system of routing messages in a distributed search network of Fabybishenko. For these additional reasons, applicants submit that the Office Action fails to establish *prima facie* obviousness.

Conclusion

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

HANI EL-GEHALY, ET AL.

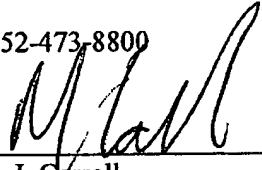
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